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Attorney for Defendant  
CARLO MIRELES

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. CR S 03-535-DFL
	)	
Plaintiff,	)	
	)	STIPULATION RELEASING DEFENDANT
v.	)	FROM PRE-SENTENCE CUSTODY UPON
	)	PREVIOUSLY-IMPOSED CONDITIONS OF
CARLO MIRELES,	)	RELEASE; PROPOSED ORDER
	)	
Defendant.	)	
	)	Judge: Hon. David F. Levi
_____	)	

Defendant Carlo Mireles pleaded guilty on February 12, 2004. Mr. Mireles has cooperated with the United States by participating in debriefings and by assisting in the return of property obtained by proceeds derived from the activities underlying this case. Between December 22, 2003, and September 8, 2005, Mr. Mireles was out of custody and supervised by the Pretrial Services office without incident. In anticipation of his co-defendant Scott Poll's trial, to make himself available for pre-trial preparation, and to begin service of an anticipated sentence, Mr. Mireles voluntarily surrendered to

1 custody in the Eastern District on September 8, 2005. Mr. Poll  
2 subsequently decided to plead guilty. However, his sentencing has been  
3 postponed several times. The current date for sentencing is August 3,  
4 2006. During this time, Mr. Mireles has remained in the Sacramento  
5 County Jail.

6 Mr. Mireles hopes to receive a motion from the government for a  
7 reduction in his sentence under §5K of the Sentencing Guidelines. Both  
8 the government's attorney and Mr. Mireles's attorney desire that this  
9 potential motion be made after Mr. Poll is sentenced. Thus, Mr.  
10 Mireles's sentencing has been postponed indefinitely.

11 Because Mr. Mireles does not pose a flight risk or a danger to the  
12 community if released and because there is no reason why the government  
13 should continue to expend funds housing Mr. Mireles for an indefinite  
14 period of time, the parties have agreed that he can and should be  
15 released from detention pending sentencing. Counsel for Mr. Mireles  
16 has conferred with Pre-trial Services officers Sandra Hall and Robert  
17 Duncan, who concur with the decision to return Mr. Mireles to pre-trial  
18 supervision. The parties stipulate and agree, therefore, that a  
19 release order should issue forthwith from the court, ordering Mr.  
20 Mireles's release from detention upon his personal recognizance and  
21 upon the following previously-imposed conditions of release:

22 1. Defendant Mireles may remain on release from custody  
23 pending sentencing in this matter.

24 2. Defendant Mireles shall remain subject to supervision by  
25 the Pretrial Services Office.

26 3. Defendant shall reside with his parents, his wife, and  
27 child at 87-336 Kaohe Road, Captain Cook, Hawaii 96704, and  
28 shall not change his residence without the express permission

1 of Pretrial Services.

2 4. Defendant may travel only within the Eastern District of  
3 California and the District of Hawaii. He may travel outside  
4 of these districts only with the express permission of  
5 Pretrial Services.

6 5. Defendant understands his obligations under the plea  
7 agreement to continue cooperating with the government and to  
8 continue making himself available for further debriefings or  
9 testimony, if necessary. By changing his residence to  
10 Hawaii, defendant Mireles agrees to assume responsibility to  
11 pay any increase in transportation costs above the costs the  
12 government would normally have for transporting him from his  
13 prior residence, for further debriefings, testimony, or  
14 sentencing.

15 6. All previously-imposed conditions of release shall remain in  
16 effect. Pretrial Services shall advise the Court and the parties  
17 if it believes any other conditions are appropriate to  
18 effectively supervise defendant Mireles and assure his presence  
19 at all future proceedings.

20 7. This order shall be served upon the Pretrial Services  
21 office for the Eastern District of California and the  
22 District of Hawaii and the parties.

23 Dated: May 19, 2006

Respectfully submitted,

24 MCGREGOR W. SCOTT  
25 United States Attorney

26 /s/ Daniel Broderick for  
27 S. ROBERT TICE-RASKIN  
28 Assistant U.S. Attorney  
Attorneys for Plaintiff

/s/ Daniel J. Broderick  
DANIEL J. BRODERICK  
Acting Federal Defender  
Attorney for Defendant  
CARLO MIRELES

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) NO. CR S 03-535-DFL  
 )  
Plaintiff, )  
 ) ORDER MODIFYING CONDITIONS OF  
v. ) RELEASE  
 )  
CARLO MIRELES, )  
 )  
Defendant. )  
 )  
\_\_\_\_\_ )

Pursuant to the stipulation of the parties, filed on May 19, 2006,  
and for the reasons stated therein, IT IS HEREBY ORDERED that  
Carlo Mireles shall forthwith be released from custody upon his  
personal recognizance and upon the following conditions of release:

1. Defendant Mireles may remain on release from custody  
pending sentencing in this matter.
2. Defendant Mireles shall remain subject to supervision by  
the Pretrial Services Office.
3. Defendant shall reside with his parents, his wife, and  
child at 87-336 Kahohe Road, Captain Cook, Hawaii 96704, and  
shall not change his residence without the express permission  
of Pretrial Services.
4. Defendant may travel only within the Eastern District of  
California and the District of Hawaii. He may travel outside  
of these districts only with the express permission of

1 Pretrial Services.

2 5. Defendant Mireles shall be responsible for paying any  
3 increase in transportation costs above the costs the  
4 government would normally have for transporting him from his  
5 prior residence, for further debriefings, testimony, or  
6 sentencing.

7 6. All previously-imposed conditions of release shall remain  
8 in effect. Pretrial Services shall advise the Court and the  
9 parties if it believes any other conditions are appropriate  
10 to effectively supervise defendant Mireles and assure his  
11 presence at all future proceedings.

12 7. This order shall be served upon the Pretrial Services  
13 office for the Eastern District of California and the  
14 District of Hawaii and the parties.

15 DEFENDANT IS FURTHER ADVISED that he shall appear on time at all  
16 proceedings as required and shall surrender for service of any sentence  
17 imposed as directed. It is a criminal offense under Title 18 U.S.C.  
18 §3146, if, after having been released, the defendant knowingly fails to  
19 appear as required by the conditions of release, and any term of  
20 imprisonment imposed for failure to appear or surrender shall be  
21 consecutive to any sentence imposed for any other offense.

22  
23 Dated: May 22, 2006

24  
25   
26 \_\_\_\_\_  
27 DAVID F. LEVI  
28 United States District Judge